

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, claim 1 has been amended to incorporate the subject matter of claims 4 and 14, while changing "fibrous" from claim 14 to "in the form of a fiber" in amended claim 1.

Claims 3-5 have been cancelled.

Claim 7 has been amended to change "RH" to "relative humidity".

Claim 10 has been amended to incorporate the subject matter of claim 11, but reciting the hydrazine compounds from paragraph [0049] on page 25 of the specification.

Claims 11-14 have been cancelled.

Most of the foregoing amendments are for the purpose of overcoming the grounds for rejecting the claims under the second paragraph of 35 U.S.C. §112. Insofar as this rejection is maintained, it is respectfully traversed.

The only remaining ground for the rejection under 35 U.S.C. §112 concerns claim 2, where the Examiner objects to the term "eluting rate", based on the argument that one of ordinary skill in the art would not be able to easily ascertain an elution rate as no referral to skin is mentioned within the claim, therefore the metes and bounds of the claim are not defined.

However, Applicants note that it is difficult to directly evaluate the characteristics of transferring the amino acid derivative to the skin. Therefore, in claim 2, Applicants evaluate this characteristic indirectly by using the term "eluting rate". Please see paragraph [0018] of the present specification. Considering this, and the wording of claim 2 itself, Applicants respectfully submit that one of ordinary skill in the art would be able to determine, without undue experimentation, whether or not a particular eluting rate (α) or (β) falls within the scope of claim 2, and therefore this claim is not considered to be indefinite under the second paragraph of 35 U.S.C. §112.

The patentability of the presently claimed invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1-14 under 35 U.S.C. §102(b) as being anticipated by Hansen (US '364) is respectfully traversed.

As indicated above, claim 1 of the application, which is the only independent claim, restricts the polymer containing an acidic group of the present invention to one which is in the form of fiber. The meaning of "fiber" in this context is clear from the description in paragraphs [0044] - [0046] of the present specification. In view of this, it is clear that, in the sustained-release polymer according to the present invention, a polymer which contains an acidic group and which is in the form of fiber is ionically bonded to an amino acid derivative.

Hansen discloses binding a particle of superabsorbent to a fiber such as cellulose via an amino acid acting as a binder. The Examiner states that Hansen discloses (referring to column 13, lines 60-62) a polymer containing an acid group as a fiber. But this is not true. This part of Hansen discloses an example of superabsorbent particle, not an example of fiber. As to the fiber to be used in Hansen, it is preferably cellulose. Please see column 10, lines 39-56 of Hansen.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the Hansen reference.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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